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SUBJECT: HUMAN RIGHTS COURT SIDES WITH TURKISH MINORITY IN
GREECE

REF: 07 Thessaloniki 090

SUMMARY

¶1. (U) Two important human rights issues related to the Turkish minority in Thrace were recently addressed by court decisions: the first, by the European Court of Human Rights (ECHR) and the second, by a local court in Rodopi. The ECHR decision indirectly confirms the right of Thrace Muslims to self-identify collectively as "Turkish" by holding that Greek authorities violated the European Charter on Human Rights when it prohibited two organizations from using the word "Turkish" in their organizational titles. The GoG only recognizes a "Muslim minority" in Greece and has long objected to the use of the word "Turkish" out of concern it will support the argument that there are other minorities in the country. Additionally, a local court in Rodopi (a region of Thrace) recog Muslim Greek women co male rights under the law. End Summary. (-----
ECHR Associations
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¶2. (U) The ECHR issued a decision Greece in violation of the right to free association and for permitting an unacceptably long period of litigation. The ECHR decision followed a long series of decisions by Greek Courts (in 1983, 1986, 2001 and 2002) banning the operation of two associations which used the word "Turkish" in their title: The Association of Turkish Women of Rodopi and the Association of Turkish Youth of Xanthi. Thrace Muslim activists have been expecting the ECHR decision for some time, and anticipated a favorable ruling, especially after a similar ECHR decision in October 2007 ruling that Greece had violated Article 11 in the case of the "Evros Prefecture Minority Youth Association" (reftel).

¶3. (U) The ECHR observed that even if the real aim of the associations had been to promote the idea that there was a Turkish ethnic minority in Greece, this could not be said to constitute a threat to democratic society, if the members of the association were not advocating for the use of violence or of undemocratic or unconstitutional means. The ECHR also rejected claims by Greek Courts that associations with the name "Turkish" in their title could "mislead the Greek public about the origin of their members." The ECHR further noted that Greek courts had the power to dissolve the associations if in practice they pursued aims different from those stated in their by-laws or if operated in a manner contrary to the law.

Local Court Ruling on Shari'a Law

¶4. (U) The First Instance Court of Rodopi (Rodopi is a region of Thrace) issued a landmark decision in February 2008 ruling in favor of a local Muslim woman who had filed a lawsuit against her brother, claiming half of their

parental inheritance. An earlier decision by the Greek-government-appointed Mufti of Rodopi in favor of the brother was made according to Shari'a law and provided him with a far greater share of the father's estate. The Greek court, however, ruled in favor of the woman, arguing that Shari'a cannot be used to violate the individual and human rights that are explicitly protected by the Greek Constitution, the European Convention on Human Rights and the Protocol of Paris. The decision marked the first time a local court reviewed the merits of a case rather than routinely ratifying the decisions of the Mufti and found that Greek and European law should prevail over shari'a or Muslim law. The court further held that the use of shari'a should not deprive Greek Muslim women of their rights and should not be applied if it violates the basic principles of the Greek Constitution concerning equality of the sexes and equality before the law.

COMMENT

15. (U) The ECHR rulings could have a significant impact on the human rights landscape in Greece. It potentially affords the Greek government an opportunity to put to rest the perennial complaint of the so-called "Muslim minority" to collectively self-identify as "Turkish" by offering a

face-saving vehicle for the GoG of pointing to the ECHR ruling rather than an affirmative step by any Greek politician to bring an end to this long-running and essentially silly issue. In the alternative and more likely case that the government continues to refuse to allow "Turkish" associations, the ECHR ruling will provide more definitive grounds to challenge the Greek Government's practice, as the ECHR decision appears to challenge the GoG practice of banning associations with the name "Turkish" in their title. The initial government reaction has been muted, with the MFA spokesman simply noting that the government "respects" the ECHR and will "carefully study" its findings.

16. (U) (Comment continued) The Rodopi Court decision is an important precedent, as it is the first time we are aware of that a Greek court has seriously reviewed a decision made by a Mufti that was based upon interpretations of Shari'a law that do not exist in written form and therefore could not be appealed previously. What remains unclear is whether this was an aberration or an indication of a new willingness of the Greek judiciary to engage more actively on what has been a serious problem for Muslim women in Thrace. Currently, examples of women routinely being denied custody of children in divorce cases, or finding themselves divorced via summary procedures, and even inheriting far smaller shares of property under Muslim intestacy laws are the norm in Thrace.